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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,167	07/11/2003	Robert A. Luciano	732.743	6756
21707	7590	08/25/2004	EXAMINER	
IAN F. BURNS & ASSOCIATES 1575 DELUCCHI LANE, SUITE 222 RENO, NV 89502			CHERUBIN, YVESTE GILBERTE	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/619,167	LUCIANO ET AL.	
	Examiner	Art Unit	
	Yveste G. Cherubin	3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the communication of the US Application filed July 11, 2003. It carries priority from US Application No. 09/642,550 filed August 17, 2000, which carries priority from provisional Application 60/149,522 filed August 17, 1999 and 60/153,895, filed September 14, 1999 and 60/191,898 filed March 23, 2000.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:
    - a. Claim 22 recites "..... second lock is not operated by the first or second key". There is no support for this limitation in the specification.
    - b. Claim 28 recites ".....wherein the first key is not operated by the first key" and "a second key, wherein the second key is configured to operate the first key switch and not operate the first lock". There is no support for these limitations in the specification.
    - c. Claim 29 recites "a third key, the third key being configured to operate the second lock, and wherein the third key does not operate the first lock or the first key switch". There is no support for this limitation in the specification.
- The Applicant fails to explain in the specification how and why the keys are being interchanged. What is the Applicant trying to encompass by these interchanges? In the event, the Applicant disagrees, the Examiner is urging the Applicant to point out to the passage in the specification where one can find support for those limitations.

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Appropriate correction is required. No new matter should be entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 8-14, 16-27, 29-35, 39-41, 43-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-14, 16-27, 29-35, 39-41, 43-45 recite the limitation "the apparatus". There is insufficient antecedent basis for this limitation in those claims.

Appropriate correction is required.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 1-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,641,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of this instant invention similarly teach a lockable cabinet comprising a housing holding electronic components as disclosed in US Patent No. 6,641,483. Although the claims of this instant invention comprise additional features such as a display, an indicator, etc....., the claim features of the US Patent No. 6,641,483 are taught/disclosed by the aforementioned instant claims. It has long been considered well known to omit a feature and its corresponding functions. The use of a display and/or indicator for conveying information is known and would have been obvious to add those features to the cabinet to convey associated information to users.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 42-43 are rejected under 35 U.S.C. 102(a) as being anticipated by Benore et al. (US Patent No. 5,701,828).

Regarding claim 42, in reference to Fig 1, Benore discloses a lockable security cabinet (10) comprising a housing means (20), 5:66-6:1 for holding items such as articles, important documents, etc, a plurality of compartment means ((34) 256, 257, 258, 259)

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for subdividing the housing means (20), 4:15-17, 6:1-5 and holding items, a plurality of access limiting means (32) in the form of door panel for selectively limiting access to the compartment means ((34) 256, 257, 258, 259), 8:17-21, wherein the access limiting means (32) are coupled to the housing means (20) as shown, a plurality of locking means (40)(see Fig 6) for securing at least one of the plurality of the access limiting means (32), 6:21-26, a plurality of unique key means for unlocking the plurality of locking means (40), 3:29-36, 6:63-7:4, 10:8-10.

Regarding claim 43, comprising a display means (182) for displaying information disposed on the housing, the display means (182) for being in communication with a processor means (188) for receiving, processing and transmitting data, the processor means disposed within the housing, as shown, see Fig 12, 3:21-25, 8:54-9:10.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benore et al. (US Patent No. 5,701,818).

Regarding claim 44, Benore discloses the claimed invention as substantially as shown above. Benore further discloses providing an input means (202) in the form of a keyboard attached to a portable conventional computer (see Fig 2) for allowing an

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operator to configure a processor means for receiving, processing and transmitting data, 3:57-60, 9:12-16, see Fig 2. However, Benore fails to provide the input means disposed on the housing, the processor means disposed in the housing. Providing the input means on the housing and the processor means in the housing would have been a matter of design choice since it has been held that forming in one piece an article which has formerly been formed in two or more pieces and put together involves only routine skill in the art.

b. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benore et al. (US Patent No. 5,701,818) in view of Pipe (US Patent No. 5,172,967).

Regarding claim 45, Benore fails to disclose an indicator means for providing a visual indication of the status of a processor means for receiving, processing, and transmitting data, the indicator means disposed on the housing, the processor means disposed in the housing. Pipe teaches a file storage cabinet comprising an indicator means (82) for providing a visual indication of the status of a processor means (78), 6:32-35, 12:46-47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the indicator means as taught by Pipe in the Benore type system in order to provide instant visual status of the cabinet.

***Allowable Subject Matter***

7. Claims 1-7 would be allowable if/when a Terminal Disclaimer is received to overcome the Double Patenting rejection set forth in this Office action.

***Prior Art Citations***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. US Patent No. 5,732,878 to Schroder et al. which teach secure currency deposit system having multiple accessible cash.
  - b. US Patent No. 5,905,653 to Higham et al. which teaches methods and devices for dispensing pharmaceutical and medical supply items.
  - c. US Patent No. 6,170,304 to Ohta which teaches method and apparatus for securing electronic components.
  - d. US Patent No. 6,385,505 to Lipps which teaches methods and apparatus for dispensing items.
  - e. US Patent No. 6,418,014 to Emerick, Jr. which teaches anti-theft locking system and device for electronic components.
  - f. US Patent No. 6,682,156 to Herrington which teaches apparatus for controlling access to a plurality of drawers.
  - g. US Patent No. 5,787,737 to Cho which teaches burglar-preventing apparatus of a central processing unit.
  - h. US Patent No. 6,354,122 to Snoke which teaches lock having integral status indicators.
  - i. US Patent No. 4,714,030 to Cole which teaches security cabinet with disguised electronic control panel.



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j. US Patent No. 6,201,703 to Yamada et al. which teaches security cage for game machine and game machine using the same

k. d. US Patent No. 6,272,394 to Lipps which teaches methods and apparatus for dispensing items.

l. US Patent No. 5,405,193 to Herrenbruck which teaches computer video game pak display cabinet.

m. US Patent No. 5,048,717 to Falk et al., which teaches multiple-product merchandizing machine.

n. US PGPubs No. 2002/0147598 to Smith et al. which teaches centralized electronic and accounting control system.

o. US Patent No. 6,231,446 to Majima et al. which teaches panel mounting apparatus for game and game machine using the same.

p. US Patent No. 6,201,703 to Wichinsky which teaches security lock for coin operated machines.

q. US Patent No. 6,129,029 to Watson which teaches method and apparatus for accessing safe deposit box.

r. US Patent No. 3,837,196 to Gartner et al. which teaches key changing lock for safe deposit boxes.

s. US Patent No. 3,727,439 to Parrock which teaches modular key lock having lever tumblers with bendable portions.

t. US Patent No. 1,436,925 to Wege et al. which teaches lock for safety deposit vaults and the like.

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u. US Patent No. 5,520,450 to Colson, Jr. et al. which teaches supply station with internal computer.

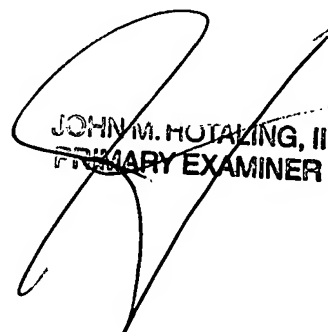
**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, A. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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